

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SEAN SEALE,

Plaintiff,

v.

DALLAS COUNTY, *et. al.*,

Defendants.

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Civil Action No. **3:15-CV-3981-L**

ORDER

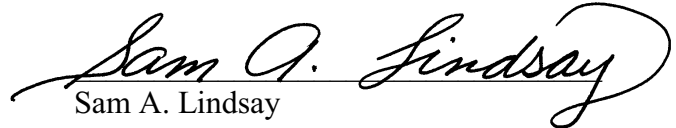
Plaintiff Sean Seale (“Plaintiff”) brought this action on December 7, 2015, pursuant to 42 U.S.C. § 1983. The case was referred to Magistrate Judge Paul D. Stickney, who entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on May 5, 2016, recommending that the case be dismissed with prejudice as frivolous pursuant to 28 U.S.C. §§ 1915A and 1915(e). No objections to the Report were filed.

After considering the pleadings, file, the record, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, pursuant to 28 U.S.C. §§ 1915A and 1915(e), the court **dismisses with prejudice** as frivolous Plaintiff Sean Seale’s (“Plaintiff”) denial of medical care claim under 42 U.S.C. § 1983 against Defendants Dallas County, Dallas County Jail, and Parkland Hospital.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. 24(a)(3). In support of this certification, the court **accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). The court concludes that any appeal of this action would present no legal point

of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. 24(a)(5).

It is so ordered this 7th day of June, 2016.


Sam A. Lindsay
United States District Judge